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BEFORE THE MADHYA PRADESH STATE ADMINISTRATIVE TRIBUNAL
JABALPUR

O.A.NO. 1099 OF 1991

APPLICANT :- Smt. Yamini Sharma

Versus

RESPONDENTS :- The State of Madhya Pradesh and others.

DETAILS OF APPLICATION

1. Particulars of the applicant :-

(i) Name of the applicant : Smt. Yamini Sharma

(ii) Name of Father/Husband: Dr.Ashok Kumar Sharma

(iii) Age of the applicant : 27 - Years.

(iv) Designation and particulars of office (Name and Station) in which employed:- NIL.

(v) Office Address : NIL.

(vi) Address for the service of notice : C/o Dr. Ashok Kumar Sharma Medical Officer C.R.P.F. 48 Shrinagar Jammu & Kashmir.

2. PARTICULARS OF THE RESPONDENTS :-

(1) The State of Madhya Pradesh, through the Secretary, Public Health and Family Welfare, Government of Madhya Pradesh, Bhopal, M.P.

(2) The Madhya Pradesh Public Service Commission, through its Secretary, Indore, M.P.

(3) Km. Chandrawati Chopada
At. P.O. Hatidara Distt. Ratlam (M.P.)

3. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE. THE APPLICATION IS AGAINST THE FOLLOWING ORDER:-

(i) Order No. : Notice of respondent No.2
(ii) Date : : dated/- 23.10.90 showing name
(iii) Passed by: : of applicant at Sl. No.113.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 2 of 2006

Petitioner : Smt. Yamini Sharma

Versus

Respondents : State of Madhya Pradesh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri H.B. Agrawal, Senior counsel with Shri Radheshyam Agrawal, counsel for the Petitioner.

Shri Ajay Dwivedi, Panel lawyer for the Respondents/State.

ORAL ORDER

(13th July, 2006)

1. Learned counsel for the petitioner submits that the petitioner was appointed like the petitioner in O.A. No. 2/92 (Om Prakash Singh Chouhan Vs. State of Madhya Pradesh & others), O.A. No. 689/92 (Dr. Narayan Singh Parihar Vs. The State of M.P. & others) and O.A. No. 929/1991 (Dr (Ku) Lalita Mishra Vs. State of Madhya Pradesh & another) as Ayurvedic Medical Officer and in the case in hand the name of the petitioner found place at serial No. 113 of the select list.

2. Despite the selection, the petitioner could not be appointed though the respondent No. 3/candidate placed at serial No. 138 in the select list was appointed on 28.1.1991 (Annexure A/1).

3. According to learned counsel for the petitioner, the petitioner was not appointed on the ground that that she had not done internship after passing B.A.M.S. Degree. The identical issue was under consideration in the cases of other similarly situated candidates in O.A. No. 2/92

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(Om Prakash Singh Chouhan Vs. State of Madhya Pradesh & others), O.A. No. 689/92 (Dr. Narayan Singh Parihar Vs. The State of M.P. & others) and O.A. No. 929/1991 (Dr (Ku) Lalita Mishra Vs. State of Madhya Pradesh & another.

4. The Madhya Pradesh Administrative Tribunal, Indore Bench having considered the order passed in O.A. No. 2/92, by its judgment and order dated 27.7.94 held that the applicant could not be held ineligible on the ground that the B.A.M.S. Degree was issued to the applicant before completion of the internship. Similar order was passed by the Madhya Pradesh State Administrative Tribunal, Bench at Jabalpur in O.A. No. 929/1991 by order dated 16.10.1997.

5. Learned counsel appearing for the respondents/State fairly submits that the respondents/State has adopted the return filed in O.A. No. 2/92 which was allowed in favour of the similarly situated applicants. The Special Leave Petition filed against the order of the tribunal was also dismissed.

6. For the reasons stated-above, the present petition is covered by the decision of the Tribunal, as stated above.

7. Accordingly, this petition is allowed with a direction to the respondents to appoint the petitioner forthwith. There is no question of back wages, as the petitioner was not appointed on the post and the petitioner cannot claim back wages without being appointed on the post. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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